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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,041	10/29/2001	Yukihito Ikami	09952-062001	3947

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EXAMINER

BAYARD, DJENANE M

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/000,041

Applicant(s)

IKAMI ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 13-18, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is in response to amendment filed on 7/14/05 in which claims 1-22 are pending.

#### ***Response to Arguments***

As per claims 13-18 and 21-22, Applicant's arguments have been fully considered but they are not persuasive. Feigenbaum clearly teaches wherein the file is separated into three separate portions that are transferred to the client where they are assembled into a single file (See col. 2, lines 45-55). Therefore, the rejection stand as stated in the previous office action.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,339,785 to Feigenbaum.

m. As per claims 13 and 21, Feigenbaum teaches a delivery server for delivering same data to a plurality of user terminals comprising: means for dividing said data into data portions so that said data portions are assigned to said plurality of user terminals, respectively; and means for transmitting said assigned data portions to said plurality of user terminals, respectively (See col.

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45-55).

n. As per claims 14 and 18, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches forming a download user network with a plurality of user terminals which download same data; selecting one of said plurality of user terminals as a representative user terminal of said download user network (See col. 2, lines 45-55); downloading said data from said delivery server to said representative user terminal; and transmitting said downloaded data from said representative user terminal to each of said plurality of user terminals (See col. 2, lines 55-65).

o. As per claim 15, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein a user terminal whose parameter representing the communication environment of the user terminal is the highest among said plurality of user terminals is selected as said representative user terminal in said selecting step (See col. 3, lines 5-20).

p. As per claim 16, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein said downloading step is achieved by dividing said data into data portions and sequentially downloading said data portions from said delivery server to said representative user terminal, and wherein said transmitting step is started during said downloading step so that each of said data portions is transmitted to each of said plurality of user terminals immediately after the data portion is received (See col. 3, lines 20-37).

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q. As per claim 17, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said transmitting step is started during said downloading step so that said representative user terminal sequentially extracts a data fragment from an already received portion of said data and transmits said data fragment to each of said plurality of user terminals immediately after said portion is received (See col. 2, lines 45-67).

r. As per claims 20 and 22, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said delivery server communicates with said plurality of user terminals via a wide area network (See col. 2, line 49).

#### *Allowable Subject Matter*

Claims 1-12 and 19-20 are allowed.

#### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER